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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,475	11/01/2001	Ricardo Alba Mariano	0004-019	5453

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EXAMINER
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HANSEN, JAMES ORVILLE

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 06/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/029,475

Applicant(s)  
MARIANO

Examiner  
James O. Hansen

Art Unit  
3637



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Mar 24, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above, claim(s) 24-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 29-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Election/Restriction*

1. Claims 24-28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 4. ✓

### *Specification*

2. The disclosure is objected to because of the following informality: On page 2, the phrase “Fig. 3D” should be changed to --Fig. 1D--. Appropriate correction is required. ✓

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-23 & 30-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 1, it is unclear as to whether the applicant is claiming a “computer housing” in combination with the “door”. The preamble does not specifically claim a computer housing, e.g., “for an opening in a computer housing”, but further down in the claim there appears to be a positive recital of structure (line 2, “bracket pivotally connected to said computer housing”) indicating that the combination of the housing and door may be positively

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being claimed. Applicant is required to clarify the disclosed claimed material, making the language of the claims consistent with applicant's intent. In claims 2-23 & 30-32, the phrase "A door..." is a double inclusion of the previously defined "A door" recited in the independent claims [the examiner suggests --The door according to claim...--].

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 8-10, 15, 21-23 & 29-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al., [U.S. Patent No. 5,926,916]. The examiner has taken the position that the computer housing is not being claimed in combination with the door. Lee (figures 1-11) teaches of a door for an opening, the door comprising: a bracket (22) capable of a pivotal connection to a supporting structure; a cover (3) elastically mounted to the bracket; and a biasing member (29) disposed to urge the cover against the bracket. The cover including a back surface (fig. 4) and the bracket is coupled to the back surface. The bracket including a plurality of posts (referenced as element (21) in fig. 4) while the cover includes a plurality of receiving apertures for receiving the posts. The bracket being able to pivot about an axis adjacent to the opening. The bracket and cover forming an assembly which includes a smooth rear surface (see fig. 4 for example).

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***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-5, 7 & 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. Lee teaches applicant's inventive claimed concept as disclosed above, including a channel (13) for receiving an end of the biasing member; but does not show the biasing member as being an integral part of the bracket, or show the biasing member as including a flat spring, or show the cover with a beveled edge. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the device of Lee so as to incorporate a bracket with integral biasing member, incorporate a flat spring and form the cover with a beveled edge because it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art [additionally, the position could be taken that the prior art teaches an integral bracket with biasing means since the term "integral" may be broadly interpreted as meaning "a whole or complete unit" - a recitation that "the bracket and biasing means are integrally formed" for example, imparts a different meaning]. As to the flat spring, it would have been obvious to one having ordinary skill in the art at the time the invention was made to vary the type of biasing means utilized, since it has been held to be

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within the general skill of a worker in the art to select a known biasing element on the basis of its suitability for the intended use as a matter of obvious design choice. As to the beveled edge, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the edge of the cover so as to incorporate a beveled edge because this well known machine procedure would afford a greater tolerance between the cover and adjacent structural members near the opening, reducing the possibility of binding between these members.

*Allowable Subject Matter*

9. Pending further consideration and an updated search, Claims 6, 11-12, 16-20 & 22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

*Conclusion*

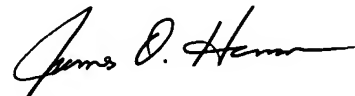
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Condra et al., Lan et al., Yamamoto et al., Harlan et al., Ohgami et al., and German publication 4315427 describe pivoting doors.

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Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 308-1113. **Fax numbers** for Official Papers are as follows:

**Before Final (703) 872-9326 & After Final (703) 872-9327.**

Any inquiry concerning this communication from the examiner should be directed to James O. Hansen whose telephone number is (703) 305-7414. Unofficial Papers can be faxed to the examiner directly via (703) 746-3659. Examiner Hansen can normally be reached Monday to Friday from 9:00 A.M. to 5:00 P.M. Eastern Time Zone.



James O. Hansen  
Primary Examiner  
Technology Center 3600

JOH  
May 30, 2003